

# Appendix 7A-3: Permitted Conditions Annual Reports for CERP Expedited Projects

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## INTRODUCTION

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### 404 PERMITS

The Federal Water Pollution Control Act Amendments of 1972 established the Section 404 Regulatory Program. Under this act, it is unlawful to discharge dredged or fill material into waters of the United States without first receiving authorization, usually a permit, from the U. S. Army Corps of Engineers (USACE), unless the discharge is covered under an exemption. The term “waters of the United States” defines the extent of geographic jurisdiction of the Section 404 program. The term includes such waters as rivers, lakes, streams, tidal waters, and most wetlands. A discharge of dredged or fill material involves the physical placement of soil, sand, gravel, dredged material, or other such materials into the waters of the United States.

### 1502 PERMITS

The Comprehensive Everglades Restoration Plan Regulation Act (CERPRA) was enacted by the Florida legislature (Chapter 373.1502 Florida Statutes) for the purpose of providing efficient and effective permitting of Comprehensive Everglades Restoration Plan (CERP) project components. CERPRA permits are in lieu of all other permits required in Chapters 373 and 403, Florida Statutes, except for permits that are under any delegated authority.

### REPORTING

Annually, the South Florida Water Management District (SFWMD or District) is required to submit to the Florida Department of Environmental Protection (FDEP) reports regarding (1) discussion of project status, (2) conclusions regarding project success, (3) problems encountered during the reporting period, and (4) actions taken to address the problems encountered. For the Fiscal Year 2008 (FY2008) (October 1, 2007–September 20, 2008) Everglades Restoration Update, this appendix presents the Annual 404 & 1502 Permit Reports to the USACE and FDEP for the following projects:

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<sup>1</sup> T.Y. Lin International/H.J. Ross

- Picayune Strand Restoration Project - Prairie Canal Backfill Project and Road Removal Project
- Everglades Agricultural Area (EAA) A1 Reservoir – Embankments and Structures
- C-43 West Storage Reservoir Project
- C-44 Reservoir and Stormwater Treatment Area

**Table 1** provides additional details on the 404 and 1501 permits.

**Table 1.** Monitoring report 404 and 1502 permits and special conditions requiring reporting.

404 PERMITS		
PROJECT NAME	PERMIT NUMBER	SPECIAL CONDITIONS WHICH REQUIRE SFER REPORTING
Picayune Strand Restoration Project - Road Removal Project (see Appendix 7A-2 of this volume)	SAJ-2005-6598  (IP-TKW)	1, 7f, 7g, 9g
Everglades Agricultural Area A-1 Reservoir	SAJ-2005-53  (IP-TKW)	1, 7a
C-43 West Storage Reservoir	SAJ-2005-5958  (IP-TKW)	8c
1502 PERMITS		
Everglades Agricultural Area A-1 – Embankments and Structures	0242172-003-EM	18
Picayune Strand Restoration Project - Prairie Canal Backfill Project and Road Removal Project	0221670-004-GL	17
C-43 West Storage Reservoir Project: Structures	0255243-002-GL	18
C-44 Reservoir and Stormwater Treatment Area (Troup Indiantown Water Control District modified)	0254895-003-EM	18, 20, 21, 22, 23, 24, 27, 28, 29

**Note:** Gray text indicates projects or conditions that are not active, either because the project has not commenced, has been temporarily suspended, or the conditions are specific to the operations phase and the project is still under construction.

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## **BACKGROUND – ANNUAL REPORTS**

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The Reporting Conditions for each permit are described verbatim below.

### **404 PERMITS**

#### **Picayune Strand Restoration Project – Road Removal Project**

7f: The permittee shall implement the Ecological and Water Quality Monitoring Plan, Appendix H of Volume 4 of the Final Integrated PIR/EIS, Picayune Strand Restoration Project (PSRP PIR/EIS) which is incorporated herein by reference, for all monitoring stations located within the project area as shown on the project maps (Attachment 1) with the exception of monitoring that is currently being conducted by the USACE e.g. Panther prey studies referenced in Special Condition 8i below. Within 30 days of the date of this permit, the Permittee shall submit a map of the monitoring station locations to the USACE for review and approval to ensure that the areas affected by this permit action are appropriately represented by monitoring stations. Results of the monitoring shall be reported annually to the addresses listed in Special Condition Number 1 above.

7g: The permittee shall implement a baseline monitoring for the project as identified as Items 1,2 and 4 (Woodstorks and wading birds, pages H-19), as specified in the Ecological and Water Quality Monitoring Plan, Appendix H of Volume 4 of the Final Integrated PIR/EIS. This permit acknowledges that other baseline monitoring is complete or ongoing and funded consistent with the plan or is committed to under permit condition 8J. No modifications shall occur without prior approval by the USACE in coordination with the PSRP assessment and adaptive management team. Concurrent with this permit, the PSRP assessment and adaptive management team is updating the plan. As updates are made by the team, the USACE will reevaluate the permit requirements and modify them as necessary to ensure consistency with the PSRP PIR/EIS monitoring plan. Results of the monitoring shall be reported as identified in special condition # 1 above.

9g: The permittee shall implement a monitoring program to monitor ground and surface water elevations, in order for the USACE to evaluate effects to cultural resources. This monitoring shall be performed in accordance with requirements of Special condition #7f. Results of the monitoring shall be reported annually to the addressed listed in special condition # 1.

7a: The permittee shall monitor water quality in accordance with the EAA Reservoir A-1 Water Quality Monitoring Plan, Annex F of the May 2006 EAA Reservoir A-1 FEIS incorporated herein by reference, absent a federally approved State Water Quality Monitoring Plan for the EAA A-1 Reservoir project. This permit acknowledges that the permittee shall ensure the project remain in compliance with State Water Quality Certification for the life of the project. Results of the project water quality monitoring will be provided annually in the South Florida Environmental Report.

## **C-43 West Storage Reservoir**

8c: The Permittee shall monitor water quality during operation of the reservoir in accordance with the Draft Project Operation and Monitoring Plan, Annex D of the Central and Southern Florida (C&SF) Project Comprehensive Everglades Restoration Plan (CERP) Caloosahatchee River (C-43) West Basin Storage Reservoir Project Final Project Implementation Report (Final PIR) incorporated herein by reference. This permit acknowledges that the Permittee shall ensure the project remain in compliance with State Water Quality Certification for the life of the project. Results of the project water quality monitoring will be provided annually in the South Florida Environment Report.

## **1502 PERMITS**

### **Picayune Strand Restoration Project - Prairie Canal Backfill Project and Road Removal Project**

17: The District shall submit an “Annual Report” to the Department detailing the progress of the project. In addition to the permit number and name of the permit administrator, the Annual Reports shall contain, at a minimum, the following information; the project name, permit number, discussion of project status, and conclusions regarding project success, problems encountered during the period covered, and actions taken to address problems encountered. The report shall also provide a discussion of the results obtained from the District’s monitoring plan (Document No. 3 of the permit, which is incorporated by reference in this appendix). The annual reporting requirements under this permit shall be incorporated into the South Florida Environmental Report (SFER) and submitted to the Department no later than March 1st of each year. If additional reporting modifications are required, the permittee may request a modification of the annual report submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis. The reports shall be submitted on an annual basis for a period of 5 years after the completion of construction. At that time the permittee and Department shall meet to determine if further reporting is required.

### **Everglades Agricultural Area 1A Reservoir – Embankment and Structures**

18: The District shall submit an “Annual Report” to the Department detailing the progress of the project. In addition to the permit number and name of the permit administrator, the Annual Reports shall contain, at a minimum, the following information; the project name, permit number, discussion of project status, and conclusions regarding project success, problems encountered during the period covered, and actions taken to address problems encountered. The annual reporting requirements under this permit shall be incorporated into the South Florida Environmental Report (SFER) and submitted to the Department no later than March 1st of each year. If additional reporting modifications are required, the permittee may request a modification of the Annual Report submission date, and upon approval by the Department, the permittee may modify the Annual Report submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis.

### **C-44 Reservoir and Stormwater Treatment Area**

29: The District shall submit an “Annual Report” to the Department detailing the progress of the C-44 Project. In addition to the permit number and name of the permit administrator, the Annual Reports shall contain, at a minimum, the following information; the project name, permit number, discussion of project status, and conclusions regarding project success, problems encountered during the period covered, and actions taken to address problems encountered. The annual reporting requirements under this permit shall be incorporated into the South Florida Environmental Report (SFER) and submitted to the Department no later than March 1<sup>st</sup> of each year. If additional reporting modifications are required, the permittee may request a modification of the Annual Report submission date, and upon approval by the Department, the permittee may modify the Annual Report submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis.

### **C-43 West Storage Reservoir**

18: The District shall submit an Annual Report to the Department detailing the construction activities of the C-43 Reservoir project during the annual reporting period. In addition to the permit number and name of the permit administrator, the Annual Reports shall contain, at a minimum, the following information; the project name, permit number, discussion of project status, and conclusions regarding project success, problems encountered during the period covered, and actions taken to address problems encountered. The annual reporting requirements under this permit shall be incorporated into the South Florida Environmental Report (SFER) and/or part of other reporting mechanisms which have been deemed acceptable by the Department. These reports shall be submitted to the Department no later than March 1<sup>st</sup> of each year. If additional reporting modifications are required, the permittee may request a modification of the Annual Report submission date, and upon approval by the Department, the permittee may modify the Annual Report submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis.

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## ANNUAL REPORTS

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The Annual Reports for the foregoing projects are presented below.

### **PICAYUNE STRAND RESTORATION PROJECT – ROAD REMOVAL PROJECT**

#### **Permit No. SAJ-2005-6598 (IP-TKW)**

Permit Title: Picayune Strand Restoration Project – Road Removal Project

Permit Administrator: Everglades Restoration Resource Area

Permit Number: SAJ-2005-6598 (IP-TKW)

Special Condition: 1, 7f, 7g, 9g

Issue Date: October 28, 2005

Expiration Date: October 28, 2010

Report Prepared By: Steve Moore

#### **Status**

See Appendix 7A-2 of this volume.

### **EVERGLADES AGRICULTURAL AREA A-1 RESERVOIR – EMBANKMENT & STRUCTURES**

#### **Permit No. 0242172-003-EM (CERPRA)**

Permit Title: Everglades Agricultural Area A-1 Reservoir – Embankment & Structures

Permit Administrator: Everglades Restoration Resource Area

Permit Number: 0242172-003-EM (CERPRA)

Special Conditions: 18

Issue Date: September 7, 2007

Expiration Date: September 7, 2012

Report Prepared By: Steve Moore

Report Reviewed By: Craig Wilson, P.E.

## **Status**

The goals and objectives of the Everglades Agricultural Area (EAA) A-1 Reservoir are to (1) capture, move, and store agricultural stormwater runoff and regulatory releases from Lake Okeechobee; (2) provide sufficient water for agricultural and environmental demands; and (3) improve operational flexibility within the EAA.

The EAA A-1 Reservoir Seepage Canal Project was the first phase of the EAA A-1 Reservoir Project. It consisted of constructing a seepage canal along the eastern, northern, and northwestern portion of the reservoir project site; excavation of multiple borrow pits within the interior of the project footprint; and the excavation of an interior borrow canal. Construction activities associated with the project included the stripping of muck, blasting and removing caprock, dewatering, and excavating earthen materials. Construction of the seepage canal also provided material for the future embankment construction and an effective tool for managing seepage upon completion of the reservoir project. Excavated material was strategically placed upon the stripped caprock to allow for optimum drying in preparation for future embankment construction. Construction of the Seepage Canal began on December 12, 2006, and all 12 miles of the seepage canal are now 100 percent complete without deviation from permitted construction plans. The final portions along the northeast and west sides of the project were completed in May 2008.

The on-site aggregate processing plant began operations in December 2007 and was in production through May 23, 2008. Approximately 638,000 cubic yards of aggregates were produced, representing approximately 38 percent of the total amount required by the project.

In June 2008, construction was suspended at the direction of the District's Governing Board prior to the start of Phase 2 - Embankments and Structures. In September 2008, temporary culverts were installed at eight locations as part of the site's Interim Stormwater Management Plan (approved August 22, 2008) in order to convey site drainage to adjacent pump stations. These measures were implemented to provide flood protection during the wet season to ongoing agricultural activities on the site. This plan will be in place until direction is provided by the District's Governing Board regarding the site or until February 2009, when the plan will be reassessed as specified in the FDEP's approval letter.

## **Problems Encountered**

No significant problems have been encountered during construction of the project.

## **Actions to Address Problems**

None needed.

## **PICAYUNE STRAND RESTORATION PROJECT - PRAIRIE CANAL BACKFILL PROJECT & ROAD REMOVAL PROJECT**

### **Permit No. 0221670-004-GL**

Permit Title: Picayune Strand Restoration Project - Prairie Canal Backfill Project & Road Removal Project

Permit Administrator: Everglades Restoration Resource Area (ERRA)

Permit Number: 0221670-004-GL

Special Condition: 17

Issue Date: October 28, 2005

Expiration Date: October 28, 2010

Report Prepared By: Steve Moore

Report Reviewed By: Janet Starnes

### **Status**

#### ***Prairie Canal Project***

The Prairie Canal is one of four major canals that are to be abandoned and backfilled as part of the Picayune Strand Restoration Project. The permitted project included plugging 7 miles of canal, installing culverts under Stewart Boulevard and Janes Scenic Drive, and removing approximately 20 miles of roadways adjacent to the south end of the canal. The first portion of the project was completed in 2004 and filled the upper 2 miles of canal. The second portion of the project involved backfilling approximately 5 miles of the southern end of the canal with 21 earthen plugs and the remainder of existing spoils. Work also consisted of clearing and grubbing along this reach of the Prairie Canal and installing reinforced concrete pipe culverts at seven locations along Stewart Boulevard and Janes Scenic Drive. The Prairie Canal Project was completed and the as-built package was submitted to the FDEP on October 3, 2007.

#### ***Road Removal Project***

The Road Removal Project consists of removing asphalt, degrading roadways, and filling roadside swales, and was permitted as one project comprised of four phases. Phase 1 includes all roads east of Merrit Canal, Phase 2 includes the roads between Merrit and Faka Union Canals, Phase 3 includes the roads between Faka Union and Miller Canals, and Phase 4 includes all roads west of the Miller Canal. Phase 1 of the Road Removal Project is complete and the as-built package was submitted to the FDEP on November 5, 2007.

On June 23, 2008, the District requested a modification to the permit by removing Phases 2-4 of the road removal. The modification was approved on July 30, 2008. Phases 2-4 of the road removal will be completed by the USACE in conjunction with the pump station and canal plugging that have been proposed as part of the larger Picayune Strand Restoration Project.

### ***Prairie Canal Monitoring***

The Prairie Canal Backfill Project and Road Removal Project permit requires baseline, construction, and post-construction monitoring be performed in accordance with the Prairie Canal Restoration Fish and Wildlife Resource Monitoring Vegetation Monitoring and Construction Protocol Plan (Document 3). Baseline and construction monitoring have been completed and post-construction monitoring began at the completion of construction. Detailed results of monitoring performed under Document 3 are presented in Appendix 7A-2 of this volume. The following is a brief status summary of the ongoing post-construction monitoring for each of the parameters requiring monitoring:

- **Hydrologic and Meteorological** – This monitoring is not a requirement of the existing permit but occurred throughout construction and has continued into the post-construction phase.
- **Vegetation** – Monitoring began in summer 2008 during the first growing season after completion of the project as specified by the monitoring plan.
- **Exotic Plant Management** – This commenced within the footprint of the project, with the first comprehensive treatment occurring in January 2008. The first two miles of Prairie Canal were treated in 2004, 2006, and 2007.
- **Wildlife Monitoring** – This monitoring has not commenced to date.
- **Water Quality** – Baseline monitoring performed by Collier County was conducted through construction and is continuing on a biannual basis into the post-construction phase. Temperature, salinity, and conductivity monitoring associated with the wildlife monitoring have not commenced to date.

### **Problems Encountered**

No problems were encountered during construction of the project.

### **Actions to Address Problems**

None needed.

## **C-44 RESERVOIR AND STORMWATER TREATMENT AREA**

### **CERPRA Permit No. 0254895-003-EM**

Permit Title: C44 – Reservoir and Stormwater Treatment Area (RSTA)

Permit Administrator: Everglades Restoration Resource Area

Permit Number: 0254895-003-EM (CERPRA)

Special Condition: 29

Issue Date: July 24, 2007

Expiration Date: July 24, 2012

Report Prepared By: Steve Moore

Report Reviewed By: Karen Counes, P.E.

### **Status**

The C-44 Reservoir and Stormwater Treatment Area (STA) Project encompass approximately 9,000 acres within the Troup Indiantown Water Control District (TIWCD) service area. The construction of the C-44 Reservoir and STA required the reconfiguration of the TIWCD, consisting of the installation of pumps, both temporary and permanent installations, and modifications to a drainage canal north of the Minute Maid Road Bridge. The initial portions of the temporary TIWCD reconfiguration including testing were started on October 30, 2006, and were completed on June 15, 2007. This portion of the C-44 Project was built according to the permitted plans with no deviations.

Additionally, the entire 12,000-acre C-44 Project site has been cleared of citrus trees and those trees were all piled and burned as of September 2007. The C-44 Test Cell Program completed operations in June 2007.

The remaining portions of the temporary reconfiguration of the TIWCD, the C-44 Reservoir and STA, are intended to be constructed during the construction of the C-44 Reservoir and Stormwater Treatment Area Project (Permit No. 0254895-003-EM). At this time, construction of the reservoir and STA has not begun. During this period, there have been continuing land management and pre-construction maintenance activities being performed on-site, such as mowing and vegetation management, as well as a baseline monitoring study.

### **Conclusions Regarding Success**

In 2007, the temporary pump systems operational capabilities were evaluated through a series of testing cycles that verified the ability to provide the existing level of service to the TIWCD system during construction of the C-44 Project.

### **Problems Encountered**

No specific problems that deviated from the permitted plans were encountered.

### **Actions to Address Problems**

None needed.